

To: epa@BulletinIntelligence.com[epa@BulletinIntelligence.com]
From: Bulletin Intelligence
Sent: Thur 2/16/2017 12:00:49 PM
Subject: EPA Daily News Briefing for Thursday, February 16, 2017
[epaNewsBriefing170216.doc](#)

Mobile version and searchable archives available at epa.bulletinintelligence.com.

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 - [Pueblo County Joins EPA Suit Against Colorado Springs Over Stormwater Issues. \(COLIND\)](#)

Administrator

Pruitt Could Be Confirmed To Lead EPA By End Of Week.

E&E Daily (2/15) reports, "Republicans are vowing to see Oklahoma Attorney General Scott Pruitt (R) confirmed as U.S. EPA administrator before the end of the week." Democrats pushed to delay the vote on Pruitt until after a hearing in an Oklahoma court on a lawsuit seeking the release of 3,000 emails from during Pruitt's tenure as attorney general, however, Senate Environment and Public Works Chairman John Barrasso blocked that effort.

Republican Sen. Collins Vows To Oppose Pruitt's Nomination.

Reuters (2/15, Beech) reports that Republican Sen. Susan Collins of Maine said she will oppose President Trump's nominee to lead the EPA, Oklahoma Attorney General Scott Pruitt. Citing his numerous lawsuits against the agency, Sen. Collins said "his actions leave me with considerable doubts about whether his vision for the EPA is consistent with the agency's critical mission to protect human health and the environment."

The AP (2/15) reports that Sen. Collins said she had "significant concerns" regarding his lawsuits against the agency "on policies important to Maine, like mercury controls for coal-fired plants and efforts to reduce greenhouse gas emissions." The Washington Post (2/15, Dennis) reports that Sen. Collins clarified, "That does not mean that I agree with every regulatory action that EPA has taken." The Hill (2/15, Cama) reports that Sen. Collins is the only Republican to come out against Pruitt, which means that he is still likely to be confirmed as long as the GOP's other 51 senators vote for him.

Trump Administration's Controversies Distract From Pruitt's Legal Challenges.


The Atlantic (2/15) contributor Robinson Meyers writes that EPA Administrator-designate Scott Pruitt has benefited from early scandals within the Trump administration that have allowed some of his own controversies to go unnoticed by the public. In the past week, "Scott Pruitt has gotten sued by his own state's ACLU, defied oversight requests from Senate Democrats, and ridden roughshod on his own state's public-records law." It is not likely that Democrats opposed to Pruitt will be able to draw attention back to these controversies before the Senate votes on Pruitt's nomination at the end of the week, opening the way for him to assume leadership at the EPA. Noting Pruitt's history of opposing the EPA's mission, Meyers says "this is a lost opportunity for anyone who cares about environmental protection at the national level."

Report: Trump Aims To Sign Executive Orders On EPA After Pruitt Confirmation.


The Hill (2/15, Henry) reports President Trump aims to sign executive orders on the EPA soon after Scott Pruitt is confirmed by the Senate, according to reporting last week. An administration source told Inside EPA that Trump will sign executive orders related to the agency's climate work. The source said the orders could "suck the air out of the room," but did not offer details on the number or aim of the orders. A potential Trump visit to EPA headquarters has yet to be confirmed. CNBC (2/15) reports that according to a Inside EPA newsletter, the orders could repeal the Climate Action Plan and the Clean Power Plan. Reuters (2/15, Shepardson, Gardner, Valdmanis) reports that according to two sources, EPA staff members were informed Wednesday that President Trump "is preparing a handful of executive orders to reshape the agency." A "senior EPA official who had been briefed by members of the Trump administration" said executive orders were coming, but did not provide further details.

Brownfields/Superfund/Other Cleanups

Local TV Coverage: Gold King Mine Spill Lawsuit.

KOAT-TV  Albuquerque, NM (2/16, 12:37 a.m. EST) reported, “Last year, a lawsuit was filed by the state and the Navajo Nation, saying the effects of the spill were far worse than claimed by the EPA. Now attorneys with the Justice Department say those claims should be dismissed. Attorney General Hector Balderas says he is not backing down. Two years ago an EPA crew released 3 million gallons of toxic waste from an abandoned Colorado mine. The waste contaminated the Animas and San Juan Rivers.”

Local TV Coverage: Minnesota Landfill-Water Contamination.

WCCO-TV  Minneapolis (2/15, 11:05 p.m. EST) reported, “Some Minnesota businesses, cities, even school districts are being told they’re responsible for millions of dollars in clean up costs at a toxic landfill. City, state and federal officials say the 140 acre freedom landfill near Black Dog Road in Burnsville poses a potential threat to the city’s drinking water. The Environmental Protection Agency says it’s, it has already contaminated some ground water and is emitting methane gas. For years, the Minnesota Pollution Control Agency says it’s been negotiating with the owner to get the landfill cleaned up. When those talks failed, the EPA stepped in. Last week it sent out 180 letters to entities that used the landfills saying they must help pay the estimated \$60 million to clean it up. ...The property owner disagrees with the environmental findings saying there’s no evidence that the landfill site poses any risk to human health.”

Additional Reading.

- **Feds Seek To Dismiss Claims Over Colorado Gold King Mine Waste Spill.** AP. (2/15)

Climate Change

Yellen Tells Schatz Federal Reserve Can’t Incorporate Climate Change Into Forecasts.

The “Morning Energy” blog of Politico (2/15) reports US Federal Reserve Chairperson Janet Yellen told Sen. Brian Schatz, at a Banking hearing on Tuesday, that “there’s not very much that we can do in incorporating [climate change] into our forecasts” but the senator “pushed back on that assertion.” Schatz said, “Just because we don’t know the extent of the risk doesn’t mean we should book it at zero. ... At some point, the Fed is going to have to recognize that climate change is real and it’s not merely an ecological issue or a political issue, but an economic one.”

Utilities Will Still Pursue Clean Energy Even Without Clean Power Plan.

ClimateWire (2/15) reports that utilities continue to plan to reduce carbon emissions even as the EPA’s Clean Power Plan “seems doomed under the Trump administration.” Speaking on the sidelines of the NARUC meeting this week, Arkansas Public Service Commission chairman Ted Thomas said, “If [Republicans in Congress] don’t get it together, we’re going to have a different administration in four years, and that’s when folks might wish they had the Clean Power Plan” as the following administration may seek a stricter plan. Thomas explained that most of the price risk of the CPP would have come in the second half of the next decade anyway. Speakers at the conference said the oil and gas and renewables will create jobs, but none were optimistic outlook for the coal sector. Jonathan Weisgall, at Berkshire Hathaway Energy Weisgall said corporate demand, technological advances, aggressive state policies and remaining federal tax incentives

will all drive carbon reductions, as will a “customer-driven pull,” rather than a “mandate-driven push.”

Handy: Power Sector Coal Use Could Rise Without Clean Power Plan. Randy Handy writes for the San Antonio Express-News (2/15) that without the Clean Power Plan “fewer coal-fired power plants will be retired and additions to renewable energy capacity will drop.” Handy cited an EIA report stating, “In the scenario where the Clean Power Plan is not implemented, coal again becomes the leading source of electricity generation by 2019 and retains that position through 2032.”

DOE: Coal Use Will Rise Without Clean Power Plan.

Fuel Fix (TX) (2/15) reports the US DOE expects coal to be the nation’s main energy source if the Clean Power Plan is not implemented, reversing the trend towards natural gas driven by lower prices and incentives to switch to cleaner energy. The EPA issues the Clean Power Plan in 2015, but the US Supreme Court issues a stay of enforcement pending legal challenges. If President Trump acts on his promise to curtail the EPA’s work to reduce climate change, more plants could start burning coal again. An EIA analysis said, “In the scenario where the Clean Power Plan is not implemented, coal again becomes the leading source of electricity generation by 2019 and retains that position through 2032.”

Trump’s Promise To Scrap Paris Accord Faces Resistance From Corporations.

The Los Angeles Times (2/15) reports that while President Trump’s promise to trash the Paris Agreement was a “great campaign prop,” but now in office he is facing resistance from his own Secretary of State, his ambassador to the UN, and industry leaders. CEOs have become more concerned about the impact global warming will have on business stability, rather than the cost of confronting it. The broad consensus, from companies including ExxonMobil, DuPont, Unilever, and Monsanto, is that abandoning the agreement will not save trillions of dollars, but it will hurt the economy. Half the companies on the Fortune 500 already have greenhouse gas reduction plans in place. More than 745 companies and investors signed a letter expressing support for the accord, collectively, the businesses employ more than 1.8 million Americans. Even GOP stalwarts have implored Trump to act on climate change with a replacement plan.

Report: Leaving International Climate Change Agreements Challenging.

The “Morning Energy” blog of Politico (2/15) reported in a report unveiled on Monday by the Federation of American Scientists, the Congressional Research Service signaled that leaving “international climate agreements would not be as quick and straightforward as some White House officials have suggested.” Trump couldn’t “withdraw the U.S. from the Paris Agreement until November 2019 under the accord’s terms. And a more drastic step of leaving the 1992 Senate-approved United Nations Framework Convention on Climate Change might ‘invoke the historical and largely unresolved debate over the role of Congress in treaty termination,’ the report said.”

UK Officials Hope To Convince Trump On Paris Climate Pact. Bloomberg News (2/14, Shankleman) reports on the UK government’s efforts to help preserve the Paris climate agreement and to convince US President Donald Trump to support the deal. The discussions between US and UK officials “haven’t gone very far if only because Trump’s administration is so new and he hasn’t appointed people to serve at lower posts in the departments involved.” Bloomberg notes that Rick Perry, his nominee to head the Energy Department, and Scott Pruitt, nominated to head the Environmental Protection Agency, have not yet been confirmed by the Senate.

Germany Plans To Challenge US Over Climate At G-20 Talks.

The Chicago Tribune (2/15) reports Germany fixed climate change as a key topic at the Group of 20 nations meeting on Thursday, setting up a potential clash with Secretary of State Rex Tillerson. Germany is preparing to challenge the US Administration on climate change, according to an official in Berlin. Germany plans to test G-20 unity on measures to combat climate change and global poverty, specifically focusing on how cleaning up pollution can create jobs.

International

Additional Reading.

- EU Issues 'Final Warning' To 5 Nations Over Pollution. CNN. (2/15, Smith-Spark)
- Ozone-Related Deaths Increase In India. Boston (MA) Globe. (2/14)

Other News

House Bill Calls For Elimination Of EPA.

The Daily Caller (2/15, Bastasch) reports, "Republican-backed legislation to eliminate the Environmental Protection Agency (EPA) is definitely one of the shortest bills Congress has dealt with in a while." The bill reads: "The Environmental Protection Agency shall terminate on December 31, 2018." Its "preamble has more words than its legislative language." The measure was introduced by Florida Rep. Matt Gaetz, and has three Republican cosponsors "and has been referred to four House committees." The GOP's 2016 platform "suggested turning EPA 'into an independent bipartisan commission, similar to the Nuclear Regulatory Commission, with structural safeguards against politicized science.'" While President Trump "said he would eliminate the 'Department of Environmental Protection' on the campaign trail," he "walked back this position and said he will refocus EPA to its core mission of protecting air and water quality — not fighting global warming."

Continuing Coverage: Perry Among Next Cabinet Nominees To Receive Senate Votes.

In a piece though focuses on the confirmation process of Scott Pruitt to head the EPA, E&E Publishing (2/15, King) reports that "while Pruitt may be muddled up in the process, Republicans say they'll muscle him through confirmation." Senate Majority Leader Mitch McConnell "said Pruitt; Energy Secretary-designate Rick Perry, the former Texas governor; and Interior nominee Rep. Ryan Zinke of Montana are up next for Senate votes."

Perry Would Be Low On Presidential Order Of Succession List, If Confirmed. The Houston Chronicle (2/15, Barrouquere) reports while Perry, Trump's nominee to be the next energy secretary, "would be in the line of succession to become President once he's confirmed, it could take him a while to get there." There are a total of "16 people in the order of Presidential succession and Perry isn't close to the top." The law that created the order was passed in 1947 with the aim of creating "an orderly transition of power should the President and Vice President should be incapable of holding office." The New York Daily News (2/15, Silverstein) also reports on the presidential order of succession and says that Perry would be in the 15th position in the order, should he be confirmed.

Potential Trump Science Adviser Has Called Climate Scientists "Glassy-Eyed Cult." The Guardian (UK) (2/15) reports William Happer of Princeton University, a man who some believe is the "frontrunner" for the science adviser role to President Trump, "has described climate scientists as 'a glassy-eyed cult' in the throes of a form of collective madness." He "met with Trump

last month” to talk about the position “and says that if he were offered the job he would take it.” The Guardian notes that he “is highly regarded in the academic community, but many would view his appointment as a further blow to the prospects of concerted international action on climate change.” Trump “has nominated the former Texas governor Rick Perry, a staunch climate sceptic, as secretary of energy and hopes to put the Environment Protection Agency (EPA) under the leadership of Scott Pruitt, the Oklahoma attorney general, who has been one of the agency’s most hostile critics.”

Article Notes Perry Once Owned Shares In ETF. The Dallas Morning News (2/15, Benning) reports Energy Transfer executive vice president Joey Mahmoud on Wednesday “lashed out” during a House Energy and Commerce subcommittee hearing at “what he called a ‘series of politically motivated actions’ by the Obama administration against its contentious Dakota Access pipeline.” Mahmoud said that a “host of half-truths and misrepresentations” about the project have “inflicted significant financial and reputational damage on our company.” Last month, President Trump “primed the pump” for the project “to move forward, fulfilling a campaign promise by signing executive actions to advance it and TransCanada’s long-stalled Keystone XL pipeline.” Critics of the pipeline “have pointed to the financial ties between Trump and Energy Transfer.” Company CEO Kelcy Warren “donated \$103,000 to his White House bid,” and both “Trump and his pick for energy secretary, former Texas Gov. Rick Perry, have owned shares in the company.”

Additional Reading.

- **Trump May Shrink EPA, But Effects In Ohio To Be Delayed.** Columbus (OH) Dispatch. (2/15, Renault)

Rules/Regulations/Policy

Trump Signs Repeal Of Transparency Regulation.

The Wall Street Journal (2/14, Radnofsky) reports President Trump signed a joint resolution on Tuesday repealing part of the Dodd-Frank regulation that required resource extraction companies to report payments made to governments for developing oil, natural gas or minerals. The Washington Post (2/14, Mufson) reports Trump said as he signed the order, “It’s a big deal. ... The energy jobs are coming back. Lots of people going back to work now.” President of the API Jack Gerard said, “We think it’s a regulation that would have an unintended consequence of hurting U.S. business’s ability to compete.” However, Oxfam America’s senior policy adviser for extractive industries Isabel Munilla said that “under the guise of deregulation, Senators gutted a major bipartisan accomplishment that would bring sunshine to the payments oil companies make to despots and dictators.” The Washington Times (2/14, Miller) quotes Trump saying, “We’re bringing them [jobs] back at the plant level. We’re bringing them back at the mine level. ... You see what’s going on with the stock market — they know that we know what we’re doing so it’s going up.” Politico (2/14, Guillén) reports the repeal marked the first time in 16 years that the Congressional Review Act has been successfully used to roll back a regulation, and Congress is preparing several more for the president’s desk. U.S. News & World Report (2/14, Soergel) reports House Speaker Paul Ryan said, “This is the first of many Congressional Review Act bills to be signed into law by President Trump. ... Congressional Review Act legislation provides relief for Americans hurt by regulations rushed through at the last minute by the Obama administration.” The Guardian (UK) (2/14) reports Zorka Milin, senior legal adviser at Global Witness, said, “Trump has given an astonishing gift to the American oil lobby. Oil, gas and mining companies listed across the EU, including Russian companies, have already disclosed \$150bn of payments in resource-rich countries, with no ill effects. This makes a mockery of claims by US oil companies such as Exxon that greater transparency would damage companies’ competitiveness.” The Hill (2/14, Cama) quotes White House Press Secretary Sean Spicer saying, “Misguided federal regulations such as

the SEC rule addressed by H.J.R. 41 inflict real cost on the American people and put our businesses, especially small businesses, at a significant disadvantage. ... It's a priority for the Trump administration to fix our broken regulatory system so that it enhances American productivity and well-being without imposing unnecessary costs and burdens."

Bills Pushed By Republicans In Pass Could Codify Trump's 2-for-1 Order. E&E Daily (2/14) reports that President Trump's 2-for-1 executive order on federal rulemaking "could gain sharp teeth" if Congress manages to pass the Regulatory Accountability Act, which bundles six rules the House has passed a number of times. The bill would "require EPA and other agencies to consider the impact of proposed regulations on jobs, economic competitiveness and low-income populations and choose the cheapest option," possibly affecting the EPA's ability to set air quality standards under the Clean Air Act. Another bill, the SCRUB Act "would establish a nine-member body and authorize an appropriation of up to \$30 million to independently assess which regulations are outdated or unnecessarily burdensome" and require agencies to toss rules the board identified as "unnecessary" before issuing new ones.

Carmakers Ask Trump For Fuel Economy Review.

Bloomberg News (2/15, Welch, Beene, Lippert) reports that carmakers "enjoying lucrative sales of trucks and sport utility vehicles" are backing President Trump's vows to deregulate the industry, while "environmental groups are saying fuel efficiency standards won't be watered down without a legal challenge." On Friday, 18 auto industry executives sent a letter to Trump "asking him to reinstate an Environmental Protection Agency review of fuel economy regulations through 2025 that they say was unfairly cut short during the final days of the Obama administration." Oklahoma Attorney General Scott Pruitt, Trump's nominee to lead the EPA, said in January that he planned to review the EPA's final determination on the matter.

Water

Credits For Flint Water Bills To End Feb. 28, Water Shutoffs To Resume.

The Detroit Free Press (2/15, Egan) reports Flint's CFO David Sabuda told the Free Press Wednesday that Water shutoffs will resume in Flint by Spring. Sabuda stated there was not a direct link between the ending of the state credits for residents' water bills and the resumption of shutoffs. He stated the ending of the credits made it more pertinent to collect water bills from businesses and residents. Flint residents and businesses currently pay one of the nation's highest rates for water. MLive (MI) (2/15, Johnson) reports Flint Mayor Karen Weaver says she was angry over the governor's plan to end credits to assist residents and businesses in paying their water bills.

Additional Reading.

- 'Extraordinary Levels' Of Pollution Have Contaminated Pacific Ocean. Los Angeles (CA) Times. (2/15, Greene)
- Judge Faults EPA, W.Va. For Inaction On Water Pollution. E&E Publishing. (2/15)
- Pueblo County Joins EPA Suit Against Colorado Springs Over Stormwater Issues. Colorado Springs (CO) Independent (2/15).

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